

### REMARKS

The Specification has been amended to use the proper format for the registered trademark ROUNDUP and to provide clarity. Applicant has amended paragraphs [0120] and [0142] of the Specification to correct typographical errors. Applicant has amended claims 1, 3-6, 10, 12, 14-15, 18, and 20-29. Claims 8 and 9 have been canceled. Claim 30 has been added. These changes have been made to place the claims in better form for examination and to further obviate the 35 U.S.C. §§112, 102(b) and 103(a) rejections as set forth in the Office Action dated April 14, 2006. It is believed that none of these amendments constitute new matter. It is submitted that these amendments obviate the rejections. Withdrawal of these rejections is respectfully requested.

The Examiner has rejected claims 8 and 9 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant has canceled claims 8 and 9. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 1-29 under §112, first paragraph, as failing to comply with the enablement requirement. Applicant has submitted a deposit of the seed with ATCC. The deposit will be available to the Commissioner during the pendency of this application. Additionally, the undersigned avers that:

- a) access to the invention will be afforded to the Commissioner during the pendency of the application;
- b) all restrictions upon availability to the public will be irrevocably removed upon the granting of a patent;
- c) the deposit will be maintained in a public depository for a period of 30 years or 5 years after the last request or for the enforceable life of the patent, whichever is longer;
- d) a test of the viability of the biological material at the time of deposit was performed; and
- e) the deposit will be replaced if it should ever become inviable or when requested by ATCC.

Applicant will amend the claims with the ATCC Accession Number via a 37 C.F.R. §1.312 amendment upon receipt of a Notice of Allowance from the Examiner.

The Examiner has rejected claims 23-29 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicant has amended claims 23-29. Withdrawal of this rejection is respectfully requested.

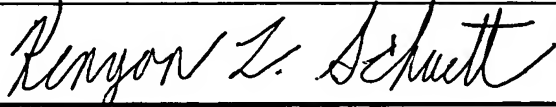
The Examiner has rejected claims 1, 5, 6, 22, 23, 24, 28 and 29 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner has rejected claims 1, 6, 22, 23 and 28 as being indefinite in the recitation of "ATCC Accession No. PTA-\_\_\_\_\_", because the ATCC Accession number is missing. Applicant has submitted a deposit of the seed with ATCC and will amend the claims with the ATCC Accession Number via a 37 C.F.R. §1.312 amendment upon receipt of a Notice of Allowance from the Examiner. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 1, 6, 22, 23, 24, 28 and 29 under 35 U.S.C. §112, second paragraph, as being indefinite in that the recitation of "SG5030NRR" does not clearly identify the claimed soybean cultivar and seed, and does not set forth the metes and bounds of the claimed invention. Applicant has submitted a deposit of the seed with ATCC and will amend the claims with the ATCC Accession Number via a 37 C.F.R. §1.312 amendment upon receipt of a Notice of Allowance from the Examiner. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claim 5 under 35 U.S.C. §112, second paragraph, as being indefinite in that the members of the Markush group are not tissue types, but rather are cell types or organ types. Applicant has amended claim 5. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 8 and 9 under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Brown E.A. (U.S. Patent No. 6,121,516 filed December 14, 1998 and issued September 19, 2000). Applicant has canceled claims 8 and 9. Withdrawal of this rejection is respectfully requested.

In view of the above amendments and remarks, it is submitted that the claims satisfy the provisions of 35 U.S.C. §§112, 102(b), and 103(a). Reconsideration of this application and an early notice of allowance are respectfully requested.

<b>SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED</b>					
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